

EXHIBIT 1

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

PRIMACY ENGINEERING, INC.,	§	
Plaintiff	§	
	§	
vs.	§	Civil Action No. 1:18-cv-00129-RP
	§	
SAN ENGINEERING; CHI WON LEE,	§	
An Individual; and JK OCEANICS, LLC	§	
Defendant	§	

DECLARATION OF HEEYEON KIM

I hereby make the following declaration pursuant to 28 U.S.C. § 1746:

1. My name is Heeyeon Kim. I am over 18 years of age, of sound mind, and am competent to make this declaration. I am an attorney licensed to practice law in the Republic of Korea ("ROK") and the State of Texas. I am a 1995 graduate of Korea University with a degree in Business Administration. I studied for the ROK National Law Examination between 1998 and 2002, and sat for the examination in 2002. I passed the ROK bar examination and completed a mandatory two year course of apprenticeship at the JRTI (Judicial Research and Training Institute) which was established by the Supreme Court. I was licensed to practice law in Korea on March 1, 2005 by the Korean Bar Association and thereafter was employed by the law firm of Yoon & Yang LLC as an associate attorney for nine years in the practice areas of litigation (civil, criminal, administrative), real estate, construction, and general corporation consulting. I also worked for Han-Wha Corporation as an in-house counsel for one year and have been in the solo-practice of law since 2015. Yoon & Yang LLC is one of top 6 law firms in Korea and it has approximately 400 attorneys in its Seoul and foreign offices. While working with Yoon & Yang LLC, I have represented no less than ten clients in the ROK on matters concerning international jurisdiction and development of evidence during discovery. Specifically, I have been involved as trial counsel in five cases in which the primary issue to be resolved was whether an American company can be sued in ROK courts and be subject to Korean court rules on taking evidence. In these cases, I was responsible for, among other things, briefing the right of Korean courts to exercise jurisdiction over American companies, assessing the applicability of Korean laws over American companies, the extent to which American companies may be subject to Korean court procedural and evidence rules, and whether American companies may be subject to a judgment rendered in a Korean court. As such, based on my education, training, and experience, I am qualified to render the opinions in this declaration.

2. I set out below the primary law authorizing Korean jurisdiction over American companies:

국제사법

제 2 조(국제재판관할)

- ① 법원은 당사자 또는 분쟁이 된 사안이 대한민국과 실질적 관련이 있는 경우에 국제재판관할권을 가진다. 이 경우 법원은 실질적 관련의 유무를 판단함에 있어 국제재판관할 배분의 이념에 부합하는 합리적인 원칙에 따라야 한다.
- ② 법원은 국내법의 관할 규정을 참작하여 국제재판관할권의 유무를 판단하되, 제 1 항의 규정의 취지에 비추어 국제재판관할의 특수성을 충분히 고려하여야 한다.

This is the 'Act on Private International Law' which applies Korean jurisdiction over companies based in other countries. Article 2, (1) of this law states that 'In case a party or a case in dispute is substantively related to the Republic of Korea, a court shall have the international jurisdiction.' Therefore, when a party or a case in dispute is substantively related to Korea, the party can be sued in Korean court and the Korean court has jurisdiction over the foreign party.

3. Article 16 of the same law is set out below:

제 16 조(법인 및 단체)

법인 또는 단체는 그 설립의 준거법에 의한다. 다만, 외국에서 설립된 법인 또는 단체가 대한민국에 주된 사무소가 있거나 대한민국에서 주된 사업을 하는 경우에는 대한민국 법에 의한다.

The first sentence of this article states that corporations and other organizations based in other countries shall be governed by Korean law as if the foreign corporation was established as a Korean entity subjecting it to be sued like any company established under Korean law.

4. Moreover, ROK Civil Procedure Act Article 25 governs when parties shall be tried in the same lawsuit together. The text of this Act follows:

민사소송법

제 25 조(관련재판적)

① 하나의 소로 여러 개의 청구를 하는 경우에는 제 2 조 내지 제 24 조의 규정에 따라 그 여러 개 가운데 하나의 청구에 대한 관할권이 있는 법원에 소를 제기할 수 있다.

② 소송목적이 되는 권리나 의무가 여러 사람에게 공통되거나 사실상 또는 법률상 같은 원인으로 말미암아 그 여러 사람이 공동소송인(공동소송인)으로서 당사자가 되는 경우에는 제 1 항의 규정을 준용한다.

Translated, this Article states 'where the right or duty becoming the subject-matter of a lawsuit is common to many persons, or where these many persons become parties thereto as co-litigants due to the same factual or legal causes', it may be brought to the court having jurisdiction over one of these parties according to Civil Procedure Act Article 25.

5. Because the plaintiff alleges that JK Oceanics, LLC misappropriated trade secrets together with a Korean national, Chi Won Lee, and two Korean companies, Oceanics and SAN Engineering, the subject-matter of the civil lawsuit pending in Korea, Case Number 'Seoul Central District Court 2018 GaHap 531651'; Primacy Engineering v. SAN Engineering, Chi Won Lee, and Oceanics, is common to all those defendants and JK Oceanics. Reviewing the docket sheet in this case, I observe that the case is in discovery with requests sent to the parties from each other. There have also been discovery requests sent to Hanjin Heavy Industries. Hanjin has responded to these requests. According to the docket sheet, the trial in the case has begun. The first hearing was on December 7, 2018, a second hearing was on March 15, 2019, a third hearing on April 24, 2019, and a fourth hearing is scheduled for May 29, 2019.

6. Plaintiff can add JK Oceanics to the Korean lawsuit prior to the final judgment. Suit could have commenced with it as an original defendant. The laws of Korea set out above state that parties are co-litigants if arising out of the same fact patterns or legal questions. As Chi Won Lee, SAN Engineering, and Oceanics are subject to Korean law, plaintiff's cause of action against JK Oceanics, LLC, as a co-defendant arising from the same facts, may be part of the action in Korea. Indeed, even if only one of these parties was subject to Korean law, all of the other parties can be added as co-litigants to the Korean case under Korean law. Plaintiff also can bring a suit against JK Oceanics to

Korean court and request the Korean court to merge both cases or manage both processes in parallel together as relevant cases, which is not uncommon in Korean litigation practices.

7. Plaintiff's position that JK Oceanics cannot be sued in Korea is without basis in fact or law. The ability of Korean courts to exercise jurisdiction over JK Oceanics, LLC, should plaintiff decide to add JK Oceanics to the ongoing civil suit that is pending in Korea, is consistent with Korean laws. This is especially true in light of the fact that the Korean lawsuit implicates the conduct of the ROK Department of Defense, Department of Navy, and Hanjin Heavy Industries, a Korean defense contractor. This subject matter, namely those dealing with the conduct of the parties in relation to the ROK military and military contracts, puts the suit squarely within the parameters of Article 2, (1) of the Act on Private International Law which states issues substantively related to Korea allow Korean courts to exercise jurisdiction over foreign parties. This law alone subjects JK Oceanics, LLC to Korean jurisdiction.

8. Finally, both the United States of America and the Republic of Korea joined the "Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters" and "Convention on the Investigation of Evidence of Overseas Civil and Commercial Matters," and Korea has a domestic law related to the above treaty titled "Act on International Judicial Mutual Assistance Civil Matters." Pursuant to these treaties and laws, US plaintiffs can sue Korean companies much as plaintiff sued SAN Engineering in this action. Similarly, a Korean court can have an American company added to a suit in Korea, exercise jurisdiction over the party, and allow the parties to the Korean suit to conduct service and evidence investigations into an American company.

EXECUTED on May 28, 2019.



Heeyeon Kim